

PLEASE TAKE FURTHER NOTICE that if you wish to oppose this motion you must do so in writing. Any such opposition must contain the factual and legal basis upon which the opposition is based. Any such opposition must be filed with the Court and served so as to be received by the undersigned no later than seven (7) days before the date on which the motion is returnable. If you do not oppose the motion timely, the Court may grant the relief requested on default.

PLEASE TAKE FURTHER NOTICE that the Court conducts all hearings via telephone and videoconference unless otherwise ordered by the Court. If you wish to participate in the hearing on this matter, you must register with e-Court Appearance in advance of all telephonic and videoconference appearances. E-Court appearances registration is required by both attorneys and non-attorney participants. Attorneys with a CM/ECF account may find the program under the “Utilities” menu after logging on to CM/ECF. Those without CM/ECF accounts may access the program on the website at <http://ecf.nyeb.uscourts.gov/cgi-bin/nyebAppearances.pl>. The Court will send participation information no earlier than 48 hours before the hearing time to all registered participants. The call in number by which you may participate is **855-244-8681**, Access Code **2307 571 7791**.

Date: March 12, 2025

LAW FIRM OF CAELYN T. CANACE, PLLC

By: /s/Caelyn T. Canace
Caelyn T. Canace, Esq.
Caelyn@canacelawfirm.com

1. I am an attorney at law, duly admitted to practice before the Courts of the State of New York and this Court.
2. I am counsel of record to the Debtor. As such, I have personal knowledge of the facts set forth in this Declaration, which I make in support of the instant motion to withdraw as counsel for the debtor.
3. The instant case was filed as a Chapter 11 matter on July 7, 2023 by the Debtor's former counsel.
4. On July 17, 2024, the case was converted to Chapter 7.
5. On or about September 9, 2024. I appeared on behalf of the Debtor.
6. Currently, the following motions are pending in this matter:

- Motion to Allow Claims filed by Thea Francesca D'Adamo) Hearing,
- Motion to Compel filed by Thea Francesca D'Adamo)
- Motion to Sell Property of the Estate Free and Clear of Liens under 11 U.S.C 363(f)
- Motion to Object/Reclassify/Reduce/Expunge Claims filed by Peter Julian Depaola).

REASONS FOR WITHDRAWAL

7. Over the past few months it has been difficult to communicate with the debtor, calls and emails have not been returned.
8. Mr. DePaolo has his cell phone off most of the time.
9. Attorney client privilege prevents me from being more specific about the nature of the breakdown in our professional relationship.
10. On March 4, 2025, your Affirmant received multiple emails from the Debtor in which he expressed to me not to contact him anymore.
11. On March 5, 2025, your affirmant emailed to the debtor “As per your request yesterday to terminate my services, this is to let you know that I will be filing a motion in the next couple of days seeking a court order to be relieved as your counsel.”
12. To date, I have not heard back from the Debtor nor anyone else on his behalf.
13. This application is made pursuant to pursuant to RPC 1.16.
14. For the reasons stated herein, your affirmant respectfully requests to be relieved as counsel for the debtor.
15. It is requested that the debtor be given an opportunity to seek new counsel should he wish to do so.

I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND INFORMATION. I UNDERSTAND THAT IF ANY OF THE FOREGOING STATEMENTS MADE BY ME ARE WILLFULLY FALSE, I AM SUBJECT TO PUNISHMENT.

Dated: March 12, 2025

/s/Caelyn T. Canace
CAELYN T. CANACE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

X

In re:

Peter Julian DePaola

Chapter 7 Debtor

Case No. 23-42634

Chapter 7

Hon. Nancy Hershey Lord

X

ORDER AUTHORIZING WITHDRAWAL OF COUNSEL

THIS MATTER, having been opened to the Court on the motion of Caelyn T. Canace, Esq. and the Law Firm of Caelyn T. Canace, PLLC, counsel to the debtor in this matter, seeking an Order permitting counsel to withdraw from representation, and the Court having reviewed the papers in support of and in opposition to the motion, if any, and the Court having heard the arguments of counsel and pro se parties, if any, and for good cause shown,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The motion be and is hereby granted as follows;
2. Caelyn T. Canace and the Law Firm of Caelyn T. Canace, PLLC are hereby relieved as counsel for the Debtor and may withdraw from this matter.
3. This matter is stayed for thirty (30) days in order to allow the debtor to retain new counsel.